

**LEEDS BROWN LAW, P.C.**

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*Attorneys at Law*

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February 2, 2022

Via ECF

Honorable Judge Gary R. Brown  
United States District Judge, EDNY

**Re: Summers, et al. v. Long Beach City School District, et al., 2:17-cv-01495  
Status Update**

Dear Judge Brown:

This office represents the Plaintiffs in the above action. Per the Court's direction, I am writing to provide a status update. Since our last update on November 8, 2021, there has been substantial movement regarding the petition for guardianship of D.B. in Nassau County Surrogate's Court. On December 16, 2021, the Guardian Ad Litem filed her report on the proposed guardianship. In relevant part, her report states,

*The Petition and all supporting documents appear in all respects to be in order and Your Affirmant sees no reason to object to same. Having reviewed the Court records and spoken to SHIRLYN SUMMERS, it is Your Affirmant's opinion that the provisions of S.C.P.A. Article 17-A have been satisfied; and that the Court may make a determination that SHIRLYN SUMMERS is an appropriate person to be named Guardian of the Person and Property for [D.B.] for an unlimited duration.*

The Surrogate's Court has set March 2, 2022 as the date for case to be on its "jurisdictional" calendar. (See attached citation.) Assuming that all the parties are properly served before then and jurisdiction is established, the Surrogate's Court will then set a date for the actual hearing on whether to appoint Shirlyn Summers as D.B.'s guardian. I have been informed by Surrogate's Court staff that the turnaround between the jurisdictional calendar date and the hearing date will not be long.

Once Ms. Summers is appointed as D.B.'s guardian we will make an application pursuant to Local Rule 83.2 for this Court's permission to settle the matter on D.B.'s behalf. I will keep the Court updated on developments in the Surrogate's Court.

Respectfully submitted,

A handwritten signature in blue ink that reads "Andrew Costello". The signature is written in a cursive style with a large, stylized "C" at the end.

Andrew Costello

File No. 2020-4424

SURROGATE'S COURT- Nassau COUNTY  
SUPPLEMENTAL  
 17-A GUARDIANSHIP CITATION

THE PEOPLE OF THE STATE OF NEW YORK  
 By the Grace of God Free and Independent

TO: Dayaira Byron, Devon Byron, Daryl Byron, Jr., Desiree Fusco, Esq. (GAL)

A petition having been filed by Shirlyn Summers, who is/are  
 domiciled at 28 East Pine St., Long Beach, NY 11561

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, Nassau County,  
 at 262 Old Country Rd., Mineola, New York, on MARCH 2, 2022, at  
9:30 o'clock in the FORE noon of that day, why letters of guardianship of the

☐ person  
☐ property  
☒ person and property  
☐ limited guardianship of the property  
 of [REDACTED] should not be granted to Shirlyn Summers;

why the appointment of Tatiana Summers as Standby Guardian of the  
☐ person  
☐ property  
☒ person and property  
☐ limited guardianship of the property  
 of [REDACTED] should not be granted;

why the appointment of \_\_\_\_\_ as First Alternate Standby Guardian of the  
☐ person  
☐ property  
☐ person and property  
☐ limited guardianship of the property  
 of \_\_\_\_\_ should not be granted;

why the appointment of \_\_\_\_\_ as Second Alternate Standby Guardian of the  
☐ person  
☐ property  
☐ person and property  
☐ limited guardianship of the property  
 of \_\_\_\_\_ should not be granted;

and why a hearing ☐ should be held ☒ should not be held;  
 and why the appearance of Respondent ☐ should be ☒ should not be required at the hearing;  
 and why the guardian(s) of the person should not be authorized and empowered to make all decisions with respect to the  
 medical and dental needs of the Respondent and to render consent to any medical procedures which are necessary to the  
 health and welfare of the Respondent, unless the court directs otherwise. A health care decision may include a decision to  
 withhold or withdraw life-sustaining treatment as defined in Section 1750-b(1) of the Surrogate's Court Procedure Act.

[State further relief requested]

Dated, Attested and Sealed, 2022  
JANUARY 11  
 (Seal)

HON. MARGARET C. REILLY  
 HON.  
 Surrogate  
[Signature]  
 , Chief Clerk

Attorney for Petitioner(s): Andrew Costello Telephone Number: 516-873-9550

Address of Attorney: Leeds Brown Law, PC, 1 Old Country Rd., Suite 347, Carle Place, NY 11514

NOTICE: This Citation is served upon you in accordance with the Court's order directing alternative service of process. No in-person appearances shall be held on the return date of the Citation. If you wish to appear to answer or object to this proceeding, you may do so in writing in accordance with the annexed notice to cited parties.